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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/700,258 11/13/00 SIEGL

G Q-61663

EXAMINER

PM82/1107
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BRANN, D

ART UNIT

PAPER NUMBER

3632
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11/07/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/700,258

Applicant(s)

SIEGL, GEORG

Examiner

Deborah M. Brann

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3. 6) ☐ Other:

DETAILED ACTION

This is the first Office Action for serial number 09/700,258, Presentation Device, filed on November 13, 2000. Claims 1-17 are pending.

Information Disclosure Statement

Receipt is acknowledged of Form PTO-1449, Information Disclosure Statement, which has been reviewed by the examiner.

Drawings

The drawings are objected to because the exploded views in figures 14 and 15 require brackets. When an exploded view is shown in a figure, which is on the same sheet as another figure, the exploded view should be placed in brackets. In addition, the line for reference number 5 in figure 21 is missing. Correction is required.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: " 136' ". Correction is required.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: "236". Correction is required.

Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect can be deferred until the application is allowed by the examiner.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 250 words. It is important that the abstract not exceed 250 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Specifically, the Abstract of the Disclosure is objected to because it contains legal phraseology such as "means." Correction is required. See M.P.E.P. § 608.01(b).

The use of the trademark VELCRO has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Objections

Claims 4, 6, 9, 11-15 are objected to because of the following informalities:
"crossmember" should be --cross-member--. Claim 3 is objected to because of the

following informalities: in line 5, "their legs" should be --the legs--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the phrase "or the like" in line 7 renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d). Further, the meaning of the phrase "holding means" in line 5 is unclear. Here it is understood that the applicant intended to recite "a transverse bar for suspending a presentation carrier," or the like. In addition, it is unclear to what the phrase "the latter" in line 7 refers. Here it is understood that the applicant intended to recite "the stand bars," or the like.

In claim 1, line 6 and in claim 17, line 5, the phrase "for example" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

The use of the word "or" in line 4 of claim 1 is vague and indefinite for the reason that it is unclear whether the individual bars (3) are or are not plugged together to form a

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stand bar. Likewise, the use of the word "or" in line 6 is vague and indefinite for the reason that it is unclear whether the stand bar is or is not connected to the base (5). Lastly, the use of the word "or" in line 12 is vague and indefinite because it is unclear whether the transverse struts (4) are or are not plugged together with the individual bars (3). The use of the word "or" in line 3 of claim 4 is vague and indefinite for the reason that it is unclear whether the stand bars (3) are or are not plugged into the plug-in receptacles (33; 33') of the elongate cross-member (11).

Claim 2 is vague and indefinite for the reason that it is unclear as to what the phrase "stand bars" in line 3 is referring. If "stand bars" is referring to the previously cited "bars" in line 2 of claim 1 then the word --the-- or --said-- should be inserted before "stand bars." Claim 3 recites the limitation "the upper stand bars" in line 5. There is insufficient antecedent basis for this limitation in the claim. Here it is understood that that the applicant intended to claim "the uppermost stand bar" or the like. Claim 9 is vague and indefinite for the reason that it is unclear whether the claimed presentation device has two foldable feet or four.

Regarding claim 11, the phrase "for example" in lines 6 and 8 renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d). Further, claim 11 states that the foldable feet (14-17) are vertically adjustable relative to the cross-member (11) by pivoting along joint pins (26). It would not be possible for the foldable feet as shown in Figs. 6 and 7 to move vertically relative to the cross-member.

While applicant may be his or her own lexicographer, a term in a claim may not be given a meaning repugnant to the usual meaning of that term. See *In re Hill*, 161 F.2d 367, 73 USPQ 482 (CCPA 1947). The term "suspending" in claim 15 is used by the claim to mean, "holding or securing," while the accepted meaning is "to hang so as to be free on all sides except at the point of support." See Webster's Collegiate Dictionary, 10th Edition.

Claims 5-8, 10, 12-14, and 16 depend from rejected claim 1 and include all of the limitations of claim 1 thereby rendering these dependent claims indefinite.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over German Patent 93 01 769 to Künstler in view of French Patent 2,754,929 to Chanteur. With regard to claim 1, Künstler discloses a presentation device (Fig.1) composed of two upright flexible bars (1) connected to a base (4). Suspended between the stand bars and the base is a presentation surface (6). The bars of the stand plug into the base. Künstler discloses a cross connection (3) separating and supporting the upright bars of the presentation device but not two cross connections so as to form a frame with a double-H shape. Künstler also does not disclose that the bars of the stand are made

up of individual bars plugged together. Chanteur discloses a support stand for a poster (Fig. 1) with an upright (22) made up of flexible tubes (23-25) plugged together. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the upright bars of Künstler to be made up of several individual flexible bars or tubes plugged together as in Chanteur so that the Künstler device could have been more easily broken down for storage or transport. It would also have been obvious to one of ordinary skill in the art at the time the invention was made to have added a second cross connection to Künstler to provide additional strength and stability. Adding a cross connection to Künstler would result in a frame with a double-H shape.

With regards to claims 2-6, Künstler discloses a cross connection (3) affixed to the bars of a presentation device as well as bars which plug into receptacles contained in pipes (7) attached to the base. The pipes are orientated such that the bores of the receptacles run in an oblique direction whose plane is perpendicular to the longitudinal axis of a cross-sectional member (5) of the base. Künstler does not disclose a cross connection with T-pieces at its ends for plugging into the stand bars. Künstler also does not disclose T-pieces having bores in their legs attached to an upper transverse member and used for plugging in the stand bars. Chanteur discloses seatings (5, 8) that are T-shaped with intersecting housings or bores (see Fig. 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have connected the cross connection in Künstler to the stand bars using the T-shaped pieces disclosed in Chanteur so that Künstler could quickly and easily be set up or taken down. It would also have been obvious to one of ordinary skill in the art to have located these

T-pieces at the ends of the cross connection for ease of assembly. As discussed above regarding claim 1, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have added additional cross connections to Künstler. It would further be obvious to connect the stand bars to the upper cross connection using the T-shaped connectors shown in Chanteur.

With regards to claim 16, Künstler does not disclose axially aligned blind bores for attaching two presentation devices together side by side. Chanteur, however, discloses the use of fixed sleeves (26 and 27, Fig. 1) with axial bores to connect the flexible tubes of the upright bar (22). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the connection pieces shown in Chanteur to have connected one Künstler device to another at its upper or lower rods so that the presentation devices stood side by side. Such an arrangement would have provided additional surface area for displaying charts or posters.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Künstler in view of Chanteur as applied to claim 4 above, and in further view of common knowledge in the art. Künstler and Chanteur combined showed all the claimed features of applicant's invention except plug-in receptacles with bores perpendicular to the longitudinal axis of the cross-member. It would have been obvious to reposition Künstler by altering the angle of the receptacles into which the bars of the stand are inserted so as to display material at a more advantageous angle.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Künstler in view of Chanteur and further in view of U.S. Patent 5,798,861 to Doat. Künstler in

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view of Chanteur discloses the presentation device as applied above, but does not disclose releasably connecting the devices at their mutually adjacent longitudinal edges. Doat discloses placing several presentation devices side by side (col. 3, lines 42-44). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have placed the presentation device as shown by Künstler in view of Chanteur side by side as disclosed by Doat to provide an extended display surface. Tape, VELCRO, or some other releasable device could have connected the adjacent display devices, so that the alignment of the presentation devices would not have been altered if one of the devices were bumped or jostled.

Allowable Subject Matter

Claim 8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. With regards to claim 8, the prior art failed to show the invention as applied to claim 1 above, further including stand bars which plug into receptacles with perpendicular bores with the stand bars having combined T-Y pieces attached to their upper ends.

Claims 9-15 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. With regards to claim 9, Doat discloses a support whose articulated feet can be rotated from a position approximately

parallel to the axis of the base to a position substantially perpendicular to the base (col. 3, lines 53-57). However, it would not have been obvious to provide Künstler with foldable feet as shown in Doat.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to display devices with curved stand bars.

U.S. Patent 2,160,457 to Housman et al.

U.S. Patent 4,700,498 to Perutz et al.

U.S. Patent 5,839,705 to LaMotte

U.S. Patent 5,983,545 to Marco

U.S. Patent D. 409, 845 to Mok

U.S. Patent D. 434,806 to Justen et al.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Deborah M. Brann whose telephone number is 703-308-3122. The examiner can normally be reached on Monday - Friday (7:00 am - 3:30 pm).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A. Braun can be reached on 703-308-2156. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-3519

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for regular communications and 703-305-3597 for formal and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


Deborah M. Brann
October 25, 2001


ANITA KING
PRIMARY EXAMINER